REDEVELOPMENT CORPORATION
CHULA VISTA

CVRC Board
Staff Report – Page 1
Item No. 4

DATE: October 25, 2007

TO: CVRC Board Directors

VIA: David R. Garcia, Chief Executive Officer

FROM: Ann Hix, Acting Community Development Director
Mary Ladiana, Planning Manager, Planning and Building Department

SUBJECT: Bayvista Walk Mixed-Use (Commercial/Residential) Project

SUMMARY:

Action	Recommend that the City Council of the City of Chula Vista adopt Mitigated Negative Declaration (IS-05-012); approve the Rezone (PCZ-07-01) of a 4.89 acre site from the CT-P (Commercial Thoroughfare with Precise Plan) to CC-P (Central Commercial with Precise Plan) zone and certain Precise Plan Modifying Standard; approve Conditional Use Permit (SUPS-07-01); approve Design Review Permit (DRC-05-39); and Approve Tentative Map (PCS-07-01)						
Developer / Applicant	Olson Urban Housing, LLC						
Project Summary	**Location**	765-795 Palomar Street					
	Site	Site - Vacant; North – residential and commercial; East – Palomar Trolley Station; South – Trailer park, multi-family and single- family residential units; West - Hotel & Trailer park					
	UCSP	N/A					
	Project Area	Merged Chula Vista Redevelopment Project					
	Product Type	Mixed-Use (Residential 154 Multi-family units/Commercial 5-10,000 sq. ft.)					
	Est. Annual T.I.	$600,000					
	RAC	May 3 and August 2, 2007					
	CVRC Prel. Rvw.	August 9, 2007					
	Function	**Project Elements**				**Rules & Regulations**	
CVRC Functions	**Redevelopment**	ENA		DDA/OPA		Cal. Redev. Law	
						CVMC	✓

	Planning	GPA		CUP	✓	General Plan	✓
		Rezone	✓	Precise Plan	✓	Zoning Code	✓
						UCSP	
	Design Review	DRC	✓	UCDP		Design Manual	✓
						Landscape Manual	✓
						UCSP	
	Environmental	Exemption		Initial Study		CEQA Guidelines	
		ND/MND	✓	EIR			

BACKGROUND

Olson Urban Housing, LLC (Applicant) has submitted applications requesting a zone change, precise plan, conditional use permit, design review, and a tentative map for development of a mixed-use project on a 4.89-acre site located at 765-795 Palomar, between Industrial Boulevard and Frontage Road in Southwest Chula Vista (see Attachments 1 and 2). The site has been vacant for several years and was used as a temporary site for the sale of pumpkins and Christmas trees.

The site plan proposes the construction of a mixed-use project consisting of 154 residential units and 5,000 to 10,000 square feet of commercial space to be built in two phases. The first phase represents the development of the 4-acre portion (Lot 1) of the site to be developed with 104 residential units. The second phase located on the eastern-most portion of the site (Lot 2) with an approximate area of 0.89 acres, is proposed to be developed with the mixed-use residential/commercial element that would satisfy the affordable housing obligation, pursuant to the Housing Element Balanced Communities ("Inclusionary Housing") Policy. This phase of the project includes a podium building structure with 5,000 to 10,000 square feet of commercial space on the first floor, 50 residential units on the upper floors, and associated parking spaces on the first floor and one subterranean level.

The Bayvista Walk project requires a rezone of the site to provide an implementing zone for the 2005 General Plan. State law (Government Code 65854-65861) and Chula Vista Municipal Code, beginning at Section 19.12.030, establishes the process for adopting zone changes of property and requires that the Planning Commission hold a public hearing on proposed rezoning actions and provide a written recommendation to the City Council. In addition, Chula Vista Municipal Code (CVMC) Section 2.55.050 provides that the Chula Vista Redevelopment Corporation (CVRC) assume the legislative functions of the Planning Commission, such as rezoning, for projects located within the City's redevelopment areas. CVMC 2.55.050 also provides that the CVRC assume review authority for the administrative and quasi-judicial functions of the Planning Commission, such as conditional use permits, design review permits, and tentative maps, for projects

located within redevelopment areas. The CVRC recommendation, as well as the Planning Commission's recommendation, is then forwarded to the City Council for final consideration and approval.

History & Public Outreach

Since receiving the first Bayvista Walk project application, in February 2005, the project has been undergoing extensive analysis, public review and redesign, as follows.

- **February 8, 2005** – Olson submits a project application to the City to develop 104 residential units with 5,000 square feet of local serving retail.
- **October 6, 2005** - Olson and the City hold a neighborhood meeting to present the project proposal. Notices were sent to all property owners within a 500 foot radius of the project.
- **January 2006** – Olson redesigns project to comply with newly adopted 2005 General Plan. The new project proposal includes 154 units and 8,244 square feet of commercial space.
- **January 9, 2006** – Olson presents their project, as a preliminary review, to the Design Review Committee (DRC).
- **January 2006** – Olson works with a DRC sub-committee on the layout and architecture of the proposed project.
- **September 28, 2006** –Olson and City hold a neighborhood meeting at Harborside Elementary School meeting to present the revised project proposal. Notices were sent to all property owners within a 500 foot radius of the project.
- **October 2, 2006** – Olson presents project, after working with DRC subcommittee, to entire DRC for preliminary review.
- **May 3, 2007** – Olson presents project to the Redevelopment Advisory Committee (RAC) for first review. Notices were sent to all property owners within a 500 foot radius of the project, as well as an extensive list of community groups (including the SWCVCA). The RAC provided extensive design comments, including providing more of an urban gateway design and increasing on-site open space. No members of the public provided comment to the RAC.
- **July 25, 2007** – Olson presents project to the Southwest Civic Association for public questions and comments.
- **August 2, 2007** – Olson presents revised project to the second RAC review for a recommendation. The RAC is supportive of the design changes made by the developer in response to RAC 1 comments, and recommends by a 5-0-2 vote that the CVRC approve the project. Notices were sent to all property owners within a 500 foot radius of the project, as well as an extensive list of community groups (including the SWCVCA). Three members of the public provided comments to the RAC on the project.

- **August 9, 2007** – Olson presents project to the Chula Vista Redevelopment Corporation (CVRC) for preliminary comments on design review. The CVRC Board is generally supportive but does have some additional design-related comments. The CVRC agenda is sent out to an extensive list of community groups and individuals. No members of the public spoke (or even attended) regarding the Bayvista project.
- **July 26 – August 27, 2007** - Mitigated Negative Declaration released for 30-day public review period. Received comment letters from two parties.

As shown above, over the last 2 1/2 years, the project has been presented at nine (9) public meetings to receive community and design input.

REDEVELOPMENT FISCAL IMPACT

The project, when complete and sold, will have an estimated value of approximately $60 million, which translates to approximately $600,000 in annual gross tax increment. California Redevelopment Law requires a Redevelopment Agency to direct a minimum of 20 percent of all gross tax increment revenues generated within its Project Areas to a separate fund to be used exclusively for the preservation, improvement and expansion of the low and moderate income housing supply within the community. The remaining net tax increment is divided as "pass through" revenues to the County of San Diego, Sweetwater Union High School District, the Chula Vista Elementary School and Southwestern College, as determined in the Southwest Tax Increment Sharing Agreement. All remaining general tax increment revenue is available for Chula Vista redevelopment activities and public infrastructure improvements. A complete detail of the approximate annual tax increment revenues is provided below.

Southwest Project Area
Approximate Annual Tax Increment

Approximate Gross Tax Increment (TI)	**% of Gross TI**	**$600,000.00**
Low & Moderate Set Aside	20%	$120,000.00
Approximate Net Tax Increment for Pass Throughs		**$480,000.00**
Southwest Chula Vista Pass Throughs	**% of Net TI**	
County of San Diego	18.000%	$86,400.00
Sweetwater Union High School District	7.180%	$34,464.00
Southwestern Community College	1.932%	$9,273.60
SD County Office of Education	1.013%	$4,862.40
Chula Vista Elementary School	10.980%	$52,704.00
CV Redevelopment & Infrastructure	60.895%	$292,296.00

RECOMMENDATIONS

Boards/Commissions Recommendations

The project site lies entirely within a designated redevelopment area and is therefore subject to review by the Redevelopment Advisory Committee and subsequent recommendation by the Chula Vista Redevelopment Corporation. The project was presented to the RAC for initial review, comment and public input on May 3, 2007, and a revised project incorporating many of the RAC/public comments was submitted for subsequent review on August 2, 2007. At that time, the RAC recommended (5-0-2 vote) that the revised project be forwarded to the CVRC for consideration and approval, with further consideration of staff's recommendations regarding modifications to useable open space. Attachment 4 includes the August 2nd RAC staff report addressing these modifications, as well as a draft summary of the comments received from members of the public and the RAC.

The Planning Commission reviewed the proposed rezone and precise plan application on October 24, 2007. A verbal summary of the Planning Commission's action will be provided.

Staff Recommendation

Staff recommends that the Chula Vista Redevelopment Corporation adopt a resolution recommending that the City Council:

1) Adopt Mitigated Negative Declaration (IS-05-012);
2) Approve a Zone Change (PCZ-07-01) of the 4.89 acre site from CT-P (Commercial Thoroughfare Precise Plan) to CC-P (Central Commercial Precise Plan) zone and establishing Precise Plan Modifying Standards which include site specific standards for the front and side yard setback and open space;
3) Grant Conditional Use Permit (SUPS-07-01);
4) Approve Design Review (DRC-05-39); and
5) Approve Tentative Subdivision Map (PCS-07-01).

ENVIRONMENTAL DETERMINATION

The proposed project was reviewed for compliance with the California Environmental Quality Act (CEQA) and an Initial Study, IS-05-012, was prepared in accordance with CEQA. Based upon results of the Initial Study, it was determined that the project could result in effects on the environment. However, revisions to the project made by, or agreed to, by the applicant would avoid the effects, or mitigate the effects to a point where clearly

no significant effects would occur. Therefore, Mitigated Negative Declaration IS-05-012 was prepared for the project (Attachment 3).

DISCUSSION

1. Site Location and Surrounding Uses

The subject property is located on the south side of Palomar Street between Frontage Road and Industrial Boulevard. The site is located within the area designated by the 2005 General Plan as the "Palomar Gateway District" with a land use designation of Transit Focus Area (TFA). It is located close to the Interstate 5 (I-5) ramps and next to the Palomar Trolley Station, one of the busiest entrances to the City and next to one of its most active commercial enclaves. Existing uses, General Plan and Zoning designations of adjacent properties to the subject site are as follows:

	Existing Uses	General Plan Designation	Existing Zoning
Site	Vacant	Mixed Use – Transit Focus Area	Commercial Thoroughfare
North	Residential and commercial uses	Mixed Use – Transit Focus Area	R-3 (Multi-Family Residential)
East	Palomar Trolley Station	Mixed Use -Transit Focus Area	S-94
South	Trailer park, multi-family and single-family residential units	High Density Residential	R-2 P (one and two Family Residential)
West	Hotel & Trailer park	Mixed Use -Transit Focus Area	C-T (Commercial Thoroughfare)

The City recently received a SANDAG Transit Oriented Design (TOD) grant to provide $2.1 million for street and pedestrian improvements along Palomar Street, Industrial Boulevard and at the Palomar trolley station. The improvements will include traffic calming features, landscaping, and streetscape amenities to augment the TFA General Plan goals.

2. Project Description

The mixed-use project is proposed to be developed in two phases. The first phase represents the development of the 4-acre portion (Lot 1) of the site to be developed with the 104-unit residential project. The project consists of two and three-bedroom units that range from 1,150 to 1,550 square feet in area. Some of the units also have a den. Each of the residential units contains a two-car garage; most of these garages (76) are proposed as tandem parking (10 ft. wide x 40 ft. long) and will accommodate two cars. The remaining 28 units would have standard two-car garages. The project also provides 27 visitor parallel parking spaces (not required by development standards) located along the southern property line.

In addition, the project provides approximately 35,730 square feet of private and common open space. Private open space (approximately 13,560 sq. ft.) is represented by private decks, and balconies, while common open space (approximately 22,170 sq. ft.) is in the form of courtyards and paseos that provide useable open space and pedestrian connections from the site to Palomar Street Trolley Station, as well as access to the south, where a future neighborhood park is envisioned by the 2005 General Plan. Access to the site is from driveway entrances on Frontage Road and Industrial Boulevard, which connect to a private driveway aisle that extends along the southern property line in an east-west direction. This driveway also provides street access for Phase 2 of the project. There is no direct access into the site from Palomar Street.

The second phase, located on the eastern-most portion of the site (Lot 2), with an approximate area of 0.89 acres, is proposed to be developed with the mixed-use residential/commercial element. This phase of the project would include the construction of a podium building structure with 5,000 to10,000 square feet of commercial space on the first floor, 50 residential units on the upper floors, and associated parking spaces on the first floor and subterranean level.

Overall, the mixed-use project consists of 154 townhome units, up to 228 on-site parking spaces on Lot 1, and approximately 35,730 square feet of usable open space (see Attachment 5a, Site Plan). The residential buildings in Phase 1 contain a density of 26 du/ac. The proposed density for Phase 2 would be 56.2 du/ac. Total proposed density for the combined project is 32 du/ac. Overall, the site density is within the range of the General Plan mixed-use designation and maximum permitted density for mixed-use projects under the proposed Central Commercial zone (32 du/ac).

At this point, Phase 2 of the project is designed on a very conceptual basis because this phase will not be built by Olson. As a condition of project approval, and as an in-lieu fulfillment of their affordable housing obligation, Olson Urban Housing will convey the 0.89-acre Phase 2 site at no cost to the City of Chula Vista Redevelopment Agency. The Redevelopment Agency in turn will solicit development proposals from other private developers and is conditioned through the Conditional Use Permit to comply with various design parameters and City regulations, including but not limited to:

- Mixed-use development at General Plan level densities to reach a minimum of 32 du/ac for the combined project (Phase 1 & 2);
- Significant architectural elements that continue to emphasize this site as a "Gateway" to Southwest Chula Vista;
- Mixed-use component to meet all development standards and processes;

- Neighborhood serving commercial component to be conveniently located in relation to the transit station and storefronts that promote pedestrian activity along Palomar Street and Industrial Boulevard;
- Internal connection to Phase 1;
- Continuous pedestrian access to transit; and
- Integrated design elements with Phase 1; and
- Design review by the Redevelopment Advisory Committee and Chula Vista Redevelopment Corporation.

In addition, the Agency will insure the affordable housing obligation of the project is met at the time Phase 2 is constructed. This can be accomplished either through inclusion of 16 affordable units in the podium building in Phase 2, or at an alternative site within the redevelopment project area, as long as the alternative location provides the same or greater public benefit and construction is concurrent with that of Phase 2. Enforcement of this condition is the responsibility of the Redevelopment Agency.

A concept building design and layout for Phase 2 has been provided for illustrative purposes (Attachment 5a and 5b), to convey the locational importance of this site as a gateway and the future detailed design expectations. Final development plans for Phase 2 will be prepared and taken through the City's standard review process when a developer is on board.

3. Land Use and Zoning

The items being presented for CVRC consideration and recommendation to the City Council are:

- Rezone (PCZ-07-01) of the 4.89-acre site from the current CT-P (Commercial Thoroughfare with Precise Plan) to CC-P (Central Commercial with Precise Plan) and the Precise Plan Modifying Standards;
- Conditional use permit (pursuant to 19.36.030 and 19.58.205) to allow the proposed mixed-use (commercial/residential) development within the CC-P Zone;
- Design review permit (DRC-05-039); and
- Tentative subdivision map for lot consolidation (PCS-07-01)

Pursuant to CVMC Section 2.55.050, the Chula Vista Redevelopment Corporation will review these required entitlements and provide a recommendation, along with the Planning Commission's recommendation on the rezone and Precise Plan, to the City Council for final consideration and approval.

As indicated in the previous table, the General Plan land use designation for the subject site is Mixed Use –Transit Focus Area and the zoning designation is CT-P. The General Plan

contains a vision and a set of policies for the area, which envision the Palomar Gateway District providing higher density mixed-use development near the trolley station, with less dense residential development to the west and south of the station.

The project has been evaluated and complies with the relevant goals and policies of 2005 General Plan. The regulatory tools to implement the General Plan include the proposed rezone to Central Commercial (CC) and associated Precise Plan. The CC zone is the only existing zoning district currently available that allows mixed use development. In addition, the site currently has a Precise Plan ("P) Modifying District designation which permits a precise plan to be developed. The Precise Plan allows more urban development standards necessary to implement the 2005 General Plan. The proposed Precise Plan Modifying Standards include the reduction of the front building setback from the required 5 feet to a range of 0.5 to 6 feet from the property line, exterior side yard from 25 feet to 15-50 feet, and the reduction in the usable open space square footage from the required 46,720 square feet to 35,730 square feet, as discussed in more detail below.

4. Development Standards

The mixed-use development has been evaluated using the Central Commercial (CC) zone development standards, which allow mixed-use projects through the issuance of a conditional use permit. Chula Vista Municipal Code 19.58.205 requires mixed-use developments to comply with the R-3 standards for residential density (CVMC 19.28.070) and open space (CVMC 19.28.90) as further described below.

The project also involves a request for modifications to certain development standards through a precise plan. Specifically, the applicant is requesting (1) a reduction in the open space requirements, and (2) a reduction in the required front yard and a portion of the exterior side yard setback to facilitate the development of this project. Additionally, although the project meets City parking standards in terms of the number of garage parking spaces provided (two per unit), the majority of the garages (76) provide tandem parking (one space behind the other) instead of side by side parking. This requires specific approval by the CVRC, and will be further discussed in the Analysis section of this report. Below is a table with information on the project and the required development standards, as well as the proposed standards of the project.

Assessor's Parcel Number:	622-020-05, 51, 65, and 68
Current Zoning	CT-P – Commercial Thoroughfare Zone
Proposed Zoning	CC-P - Central Commercial Zone
General Plan	Mixed-Use/TFA – Transit Focus Area
Building Coverage (Phase 1)	1.69 acres (42% of site)
Lot Area (Phase 1)	4.0 acres

DEVELOPMENT STANDARDS REQUIRED	PROPOSED
Phase 1: Setbacks (per CC zone or building line map): Front Yard: 5 feet Exterior Side Yard: 25 feet Rear Yard: 15 feet Interior Side Yard: 0 feet Phase 2 Palomar Street and Industrial Blvd: 5 feet (per building line map)	 0.5-6 feet 15 - 50 feet 44 feet 17 feet To be determined
Phase 1: Parking (per CVMC 19.62.050) Residential (2/du) 208 spaces Guest 0 spaces Total 208 spaces Phase 2	 208 spaces 27 spaces (7 spaces on Lot 2) 235 spaces To be determined
Building Height (per CC zone) No height restrictions	Phase 1: Buildings: 40 – 42 feet Tower elements: 52 feet
Residential Density per R-3 zone 32 units per acre	Phase 1: 26 units per acre Phase 2: 56.2 units per acre Total overall density: 32 units per acre
Phase 1: Open Space Requirements (per R-3 zone) 46,720 square feet Phase 2	 35,730 square feet To be determined

As the information on the table above shows, most of the development standards are met by the proposed development of Phase 1, except the front building setback along Palomar Street and a portion of the exterior side yard (varies) along Frontage Road, and the required amount of usable open space.

Building Setback:

The building line map establishes building setbacks for many areas of the City and, where it applies, it supercedes that development standard of the CC zone. For the project boundaries, the building line map establishes setbacks for Palomar Street and Industrial Boulevard only. Along both Palomar Street and Industrial Boulevard the building setback is 5 feet. The setback for the buildings along Palomar Street are proposed to be 0.5 to 6 feet in order to provide wider sidewalks (minimum 6.5 feet) and create a more urban interface of the building with the sidewalk and street. This design promotes pedestrian activity and enhanced access to the trolley station. Along Frontage Road, the exterior side yard setback of the CC zone is 25 feet. The project's exterior side yard setback is proposed to vary from 15 feet to 50 feet. Additional discussion is provided in the Precise Plan section of this report.

Open Space:

Residential projects are required to provide on-site open space for residents to enjoy. The Chula Vista Municipal Code Section 19.28.090 requires the provision of 400 square feet of usable open space for one and two-bedroom units, and 480 square feet for units with 3 or more bedrooms. The open space may be provided in the form of common usable open space areas, private patios, balconies, or common recreational facilities. In accordance with the standards set forth by Section 19.28.090 and the proposed unit mix (40 one and two-bedroom and 64 three-bedroom), the total usable open space requirement for the project would be 46,720 square feet. The project's proposed usable open space is 35,730 square feet. This represents a difference of 10,990 square feet of useable open space. The proposed open space includes common exterior open space, paseos, decks and balconies.

5. Analysis

The project has been evaluated in accordance with the goals and objectives of the Chula Vista 2005 General Plan (see Attachment 6), the Zoning Ordinance and the Amended and Restated Redevelopment Plan (2004). It is noted that the 2004 Redevelopment Plan refers to the General Plan and Zoning Ordinance for land use guidance.

Rezone:

As indicated previously, the proposed project site is currently zoned CT-P, which is a commercial zone that does not allow residential development. With the recent update of the General Plan, the Montgomery Specific Plan was repealed and replaced with a new vision for this area of the southwestern portion of the City. The General Plan Land Use and Transportation (LUT) Policy 43.4 and 43.5 for this area state that development projects:

"Provide a mix of uses with a focus on retail and some office uses along Palomar Street in the Mixed Use Transit Focus Area, with residential uses above and/or behind the retail and offices uses." and;

"Provide a mix of local-serving retail and office uses near the Palomar Trolley Station and at the Gateways into the Palomar Gateway District."

The CT-P zone does not allow the construction of mixed-use (commercial/residential) projects, and is thus inconsistent with and does not implement the current General Plan vision and policies. In order implement the General Plan, the CT-P zoning must be changed to the CC-P zone, which allows mixed-use projects through the issuance of a conditional use permit. For this area of the City, this is the only zoning tool currently available to implement the 2005 General Plan mixed-use designation. The proposed CC zone will contribute to the public convenience and general welfare by further assisting in the implementation of the General Plan.

In relation to residential density within the area, LUT Policy 43.6 of the General Plan states:

"In the Palomar Gateway District, residential densities within the Mixed Use Transit Focus Area designation are intended to have a district-wide gross density of 40 dwelling units per acre."

The overall project proposes 154 units on 4.89 acres, which results in a density of 32 dwelling units per acre. This density is consistent with the City's General Plan policy for the site and represents the maximum density permitted by the proposed CC zone. While this is less than the goal of 40 du/ac for the entire Palomar Gateway District, it is equally important to provide a mix of densities throughout the District, with higher densities adjacent to the trolley station as proposed on Lot 2 (56 du/ac) and lower densities to the west and south of the subject site (26 du/ac). It is anticipated that more dense projects will be developed in the future that will bring the average density up to meet the goal for the overall District. The proposed residential density would provide an urban, pedestrian-oriented project design that would complement the Palomar Trolley Station and be compatible with the surrounding land uses.

The General Plan provides further guidance on design and landscaping for the Palomar Gateway through LUT Policy 43.11 and 43.12, stating:

"..the improvement of Palomar Street as a gateway to the City."

"Provide for safe, effective, and aesthetic pedestrian crossings and improvements to Palomar Street and Industrial Boulevard."

The SANDAG Transit Oriented Development grant project would provide 5 feet of landscaping along Palomar, with Cypress trees to create a long stately row on each side of the street, and walkways lined with Myrtle hedges to create a comfortable separation zone from busy traffic for pedestrians. The pedestrian walkways will be 5 feet of sidewalk provided through the TOD grant with an additional 1.5 feet provided by the Bayvista Walk to provide a total width of 6.5 feet of walkway, and a total parkway width (landscaping + walkway) of 11.5 feet. Bayvista Walk will further compliment the gateway grant project by incorporating plant species proposed for the Palomar Street median into the project site, provide urban architecture and a pedestrian oriented development, and dedicate an easement to the City at the northwest corner of the project site for an entry monument. In addition, the podium building will provide opportunity to incorporate a neighborhood serving commercial component adjacent to the trolley station. These features will all contribute to a cohesive gateway entrance to the Palomar Gateway District.

Overall, staff's review of the project and for the reasons stated herein, this project sets a positive precedent for implementation of the new General Plan goals and objectives and for the revitalization of the neighborhood.

CVMC 19.80 "Controlled Residential Development Ordinance" (aka Cummings Initiative):

In the late 1980's, a citizen initiative referred to as the "Cumming's Initiative" was passed by a majority vote of the electorate and was incorporated as Chula Vista Municipal Code (CVMC) Section 19.80 (Ord.2309 Initiative 1988). The Ordinance contains provisions that limit the rezoning of a property. Section 19.80.070 (D) states that:

> *"Rezoning commercial or industrial property to a residential zone shall be permitted only to the maximum residential density corresponding to the potential traffic generation that was applicable prior to the rezoning to residential."*

It should be noted that the proposed rezone is from commercial to commercial (CT-P to CC-P). Nonetheless, since the CC-P zone allows residential development at an R-3 density, the following analysis, as set forth in Section 19.80.070(D), provides a formula for comparing the potential development under the CT-P zone and the proposed development.

For the proposed rezone, the comparison would be between the existing potential traffic generation associated with the development under the existing CT-P zone and the corresponding maximum residential density that could be permitted. Based on standard traffic generation rates (SANDAG 2002 *"Not So Brief Guide of Vehicular Traffic Generation Rates for The San Diego Region"*), commercial and office uses generate significantly greater traffic than residential uses. For example, the existing 4.89 acre site (213,008 square feet) zoned CT-P would have the potential to develop up to a 319,512 square foot building. This

is based on the CT-P zone's existing development standards which allow 50% lot coverage (50% x 213,008 sq. ft. site = 106,504 sq. ft.) and up to a three story height limit (3 stories x 106,504 sq. ft. per floor). Using SANDAG's standard traffic generation rates for commercial uses (40 trips /1,000 square feet), a total of 12,780 trips would be generated from a potential commercial building of that size.

Based on the criteria in Section 19.80.070 (D) above, the maximum residential density could not be more than the potential traffic generated by the commercial use (i.e. 12,780 trips). This equates to up to 2,130 multi-family units (12,780 trips divided by 6 trips per multifamily dwelling unit) on the 4.89 acre site, which would be 435 du/ac. Pursuant to the November 2005 *"Traffic Impact Study"* prepared by Katz, Okitsu & Associates (KOA) this project has potential to generate 1,944 trips with the combined residential and commercial components. Because commercial and office uses generate significantly greater traffic than residential uses, a zone change from commercial to a multi-family residential category could never result in residential traffic generation greater than the corresponding potential traffic generation from a commercial development. Therefore, as illustrated above, zone changes from commercial to a commercial zone that allows residential development would not conflict with Section 19.80.070 (D) of the ordinance.

The project will be required to contribute its fair share towards the improvement of public services and facilities through payment of the City's Development Impact Fees and other conditions of approval. These include existing City Public Facilities Development Impact Fees (PFDIF), park acquisition and development (PAD) fees, sewer, traffic signal fees, as well as a future Western Transportation Development Impact Fee (WTDIF).

Parking:

As indicated above, the Zoning Ordinance parking standards are met by the proposed project in terms of the number of garage parking spaces provided. Each residential unit has a two-car garage. The majority of the garages provide tandem parking (one space behind the other) instead of side by side parking. Of the 104 residential units, 76 have garages with tandem parking. Each of the spaces, standard or tandem, would be assigned to an individual unit and contained within an enclosed garage for the unit. CVMC 19.62.020 (E) indicates that tandem parking shall not qualify as required parking unless specifically approved by the Planning Commission. This review and approval authority has been delegated to the Chula Vista Redevelopment Corporation pursuant to CVMC 2.55.050.

Staff recommends that the CVRC consider the proposed tandem parking as part of the required parking. Staff believes that in this particular case tandem parking within a 10 ft x 40 ft. garage serves the same purpose as side by side parking. A garage of 400 square feet of space can still accommodate two vehicles and the two spaces would be available to the residents of the assigned unit. Staff also believes that this parking situation takes on a lesser

importance because the proposed project is so close to the trolley station and allows for a more compact development at the densities envisioned by the General Plan. The proximity to the trolley station offers residents an important public transit alternative to the private automobile.

Precise Plan Standards:

The purpose of the Precise Plan modifying district ("P" modifier) is to allow diversification in the spatial relationship of land uses, density, buildings, structures, landscaping and open spaces, as well as design review of architecture and signs through the adoption of specific conditions of approval for development of property in the City. Within the boundaries of the P district, the location, height, size and setbacks of buildings or structures, open spaces, signs and densities indicated on the precise plan must take precedence over the otherwise applicable regulations of the underlying zone.

Pursuant to CVMC 19.56.041, the "P" modifying district may be applied to areas within the City when one or more circumstances are evident, including:

> *"The subject property, or the neighborhood or area in which the property is located, is unique by virtue of topography, geological characteristics, access, configuration, traffic circulation or some social or historic situation requiring special handling of the development on a precise plan basis."*

The project site already has the "P" modifying district established on it (i.e. CT-P zone). However, since no actual criteria for implementation of the precise plan were previously developed at the time of establishment of the "P" modifier on the 4.89-acre site, such standards are now being requested in order to implement a precise plan. The applicant has requested that the Precise Plan and Modifying Standards be applied to the project site to allow reduction of the front building setback and usable open space. While the proposed precise plan standards would deviate from the adopted Zoning Ordinance, the site design would be compatible with surrounding land uses as described below.

Modified Standard for Building Setbacks

The subject property is unique by virtue of its location within the General Plan's Mixed-use Transit Focus Area and next to the Palomar Trolley Station. The General Plan calls for compact and high density developments with an urban and pedestrian orientation. The Palomar Trolley Station offers a unique opportunity for the development of a truly pedestrian-oriented development, which allows residents of the proposed development to walk to and use the Trolley Station instead of depending on the private automobile for transportation. Thus, the building should have an urban and pedestrian-oriented character.

As indicated previously, the required building setback on the building line map is 5 feet from the property line. The proposed building structures fronting on Palomar Street have a setback of 0.5 to 6 feet from the property line. The building setback along Palomar Street is intentionally reduced to create a more urban edge or interface of the proposed building and the sidewalk and Palomar Street. While the proposed setback would deviate from the Zoning Ordinance, the reduction in the setback would afford the project a more urban and pedestrian-oriented character by being closer to the sidewalk, as compared with a suburban type of development with larger front setbacks. There are 32 units fronting along Palomar Street designed with six-foot deep patios adjacent to the proposed 6.5 foot wide sidewalk. This is designed to encourage pedestrian activity and provide direct access to the Trolley Station. Furthermore it activates the street, which is a common design element found in urban locations. Placing the front buildings closer to the sidewalk allows for a better balance between open space and buildings on the lot. Larger open space areas as well as pedestrian corridors can be provided between building structures while, at the same time, maintaining the desired density of the project.

Along Frontage Road, the exterior side yard setback of the CC zone is 25 feet. The project's exterior side yard setback is proposed to vary from 15 feet to 50 feet. A reduced side yard setback is only proposed at the corner of Palomar Street and Frontage Road and then widens up to 50 feet south along Frontage Road. The modified standard at the corner allows the building to be more prominent at this entryway and makes more of a gateway statement than would otherwise be possible using the more suburban standard of 25 feet.

Due to the orientation of existing development on adjacent properties, no negative impact is anticipated as a result of the proposed setback modifications.

Modified Standard for Open Space

As indicated previously, the Chula Vista Municipal Code section 19.28.090 requires a total of 46,720 square feet of usable open space based on the project's proposed unit mix.. The project's proposed open space is 35,730 square feet, which represents a difference of 10,990 square feet (24% reduction) of useable open space.

The open space provided by the proposed project consists of one large common area (5,800 square feet) in the northern section of the property, next to Palomar Street, that contains a variety of elements including a tot lot, grassy area, barbeque pits and several arbors, and is protected by a decorative wall along Palomar Street. Another common area (4,380 sq. ft.) is located along Frontage Road and is made up of both grass and landscaped areas, which serve for passive recreation. A third major common area is represented by a paseo that extends along the center of the site, between the interior building structures, in a north-south direction. This area offers a major pedestrian connection between the southern driveway, the

large common area and Palomar Street. Another open space element that is part of the proposed project is represented by decks and balconies at each of the residential unit.

Staff has been working with the applicant on a variety of ways to enhance the proposed open space areas in order to make it more useable for the residents and reduce the open space deficit to the maximum extent possible. Following is a list of enhancements that have been incorporated into the plans and others that have been recommended by staff, as well as the RAC:

- Design elements and features, such as benches and raised flowerbeds with seating areas, to be part of the common areas located on Frontage Road and Palomar Street to increase the usability of these open space areas.

- Paseos that run along the interior buildings and which provide appropriate useable open space as well as serve as pedestrian connections to Palomar Street and the Trolley Station

- Decks and balconies in each of the residential units that count toward the open space requirements.

- Staff has discussed with and requested that the Applicant add rooftop patios with sitting areas and urban landscape elements to some of the units to serve as a recreation space. The addition of rooftop patios is an important element because it contributes to reduce the open space deficit and also takes advantage of the San Diego Bay views from the top of the building structures, giving credence to the name of the project.

All of these improvements would maintain the desired density of the project, while increasing the amount of high quality usable open space by incorporating urban landscape elements and minimize the gap between the proposed open space and CVMC open space requirements. While the project has incorporated the first three items, staff continues to recommend the incorporation of private rooftop patios into some of the units to further reduce the gap between the CVMC requirement and the final open space plan presented by Olson. Rooftop patios could be incorporated into the end units of each of the eight nine-plexes (located south of Palomar Street). This would achieve an addition of approximately 6,400 sq. ft. (16 units x 400 sq. ft.) of usable open space, bringing the gap to only 10% of the required open space. The addition of rooftop patios has been included as a condition in the design review/conditional use permit (Attachment 8).

Conditional Use Permit:

CVMC section 19.36.030 (O) allows mixed-use projects upon the issuance of a conditional use permit subject to the following standards and guidelines (Section 19.58.205 of the CVMC). Following each of the items is a discussion of how the proposed project meets each of these requirements.

A. The conditional use permit shall be subject to review and approval of the city council following the recommendation of the planning commission.

The required conditional use permit is being presented to the CVRC for a recommendation to the City Council as the final approving authority.

B. The commercial and residential components shall be planned and implemented together.

The mixed-use (commercial/residential) component of the project to be built at the corner portion of the site as part of Phase 2 of the project will be planned and implemented in conjunction with Phase 1. As described previously, the Phase 2 property will be conveyed to the Redevelopment Agency by the applicant. The Agency will subsequently insure that the project will be implemented in accordance with City requirements.

C. The maximum allowable residential density will be governed by the provisions of the R-3 zone based on the total project area, less any area devoted exclusively to commercial use, including commercial parking and circulation areas. The approved density may be significantly less than the maximum allowable density depending on site specific factors, including the density and relationship of surrounding residential areas, if any.

The two phases of the project as proposed will have an average density (Phase 1: 26 du/ac; and Phase 2: 56 du/ac) that is consistent with the maximum density allowed by the R-3 zone, namely 32 du/ac.

D. Parking, access and circulation shall be largely independent for the commercial and residential components of the project. Each use component shall provide off-street parking in accordance with city standards.

While Phase 1 and Phase 2 will integrate design elements, parking, access and circulation of the commercial component of Phase 2 will be largely independent. Each phase will contain its own parking pursuant to the requirements of the Chula Vista Municipal Code. As proposed, Phase 1 of the project contains a two-car

garage for each of the residential units, standard or tandem, plus 27 parking spaces for visitors (7 to be built on Lot 2). The parking for Phase 2 will be contained in the first two levels of the podium building (first and subterranean floor) with access from the main driveway aisle off of Frontage Road or Industrial Boulevard. While the design of the garage is at concept level only, separation of the commercial and residential parking areas will be required to be maintained by keycard access.

E. The residential component shall meet the private and common open space requirements of the R-3 zone.

Chula Vista Municipal Code Section 19.28.090 (R-3) requires the provision of 400 square feet of usable open space for 1 and 2-bedroom units, and 480 square feet for units with 3 or more bedrooms. The total usable open space requirement for the project would be 46,720 square feet, however, the project's proposed open space is 35,730 square feet, which represents a difference of 10,990 square feet reduction) of useable open space.

In order to allow the open space as proposed, a Precise Plan Modifying Standard for open space different from that established in the Zoning Ordinance is being processed as part of this application and is subject to review and approval of the City Council. The proposed Modifying Standard would allow the reduction in open space with the condition that the proposed open space be enhanced in a variety of ways (as outlined in the previous section of this report related to open space) in order to increase the quality of the usable open space by incorporating urban landscape elements for the residents, allow an attractive and functional arrangement of buildings, and reduce the open space deficit to the maximum extent possible.

F. The conditional use permit may include a restriction on commercial uses and/or business hours in order to avoid conflicts with residential units.

The CUP will contain the following condition:

> *"Prior to leasing any retail space, the Developer of Phase 2 shall submit written description for hours of operation for the tenants of the retail/commercial uses to the Director of Community Development for review and approval. The hours of operation shall be such that there is no conflict with the residential units".*

Necessary conditions and restrictions will be imposed on Phase 2 of the project when concept plans are prepared and reviewed for compliance with City requirements.

In addition to the previous standard requirements, the findings for the granting of a conditional use permit outlined in section 19.14.080 must be made. These findings and the supporting evidence are included in the draft CUP resolution.

Design Review:

The proposed project has been reviewed for consistency with the City of Chula Vista Design Manual and Landscape Manual. The standards and guidelines of these manuals are used to evaluate the site and building design. The proposed project is laid out on the site on a grid pattern with buildings and internal driveways. Two buildings extend along Palomar Street, while eight buildings are located perpendicular to Palomar and separated by short driveways that connect to two long driveways that run parallel to Palomar Street and provide easy access to all buildings and their garages. The grid pattern establishes a balanced relationship between buildings, internal automobile and pedestrian accessways. This layout encourages pedestrian activity and provides direct access from multiple points of the development to Palomar Street and Trolley Station. Furthermore, it activates the street, which makes this an urban pedestrian-oriented development. With the implementation of the recommendations related to open space, the project would achieve an attractive and functional arrangement of buildings and open spaces.

The building architecture is harmonious and consistent with the scale of the surrounding neighborhood. The building structures provide important design elements along Palomar Street, which provide visual interest and a truly urban character. The project's architecture and unique design elements will make these buildings stand out and serve as a landmark at this entrance into the City Chula Vista. The project represents a high quality development, as mandated by the Design Manual.

Tentative Map:

An application for a Tentative Map was submitted for the project to consolidate the existing four lots into two, consisting of 4 acres and .89 acres, and provide for the grading and development of the site as shown on the site and grading plans. The proposed project has been reviewed for consistency with the City of Chula Vista Subdivision Manual and the City has included the necessary conditions that must be satisfied prior to issuance of a Final Map. The conditions are described in detail in Attachment 9.

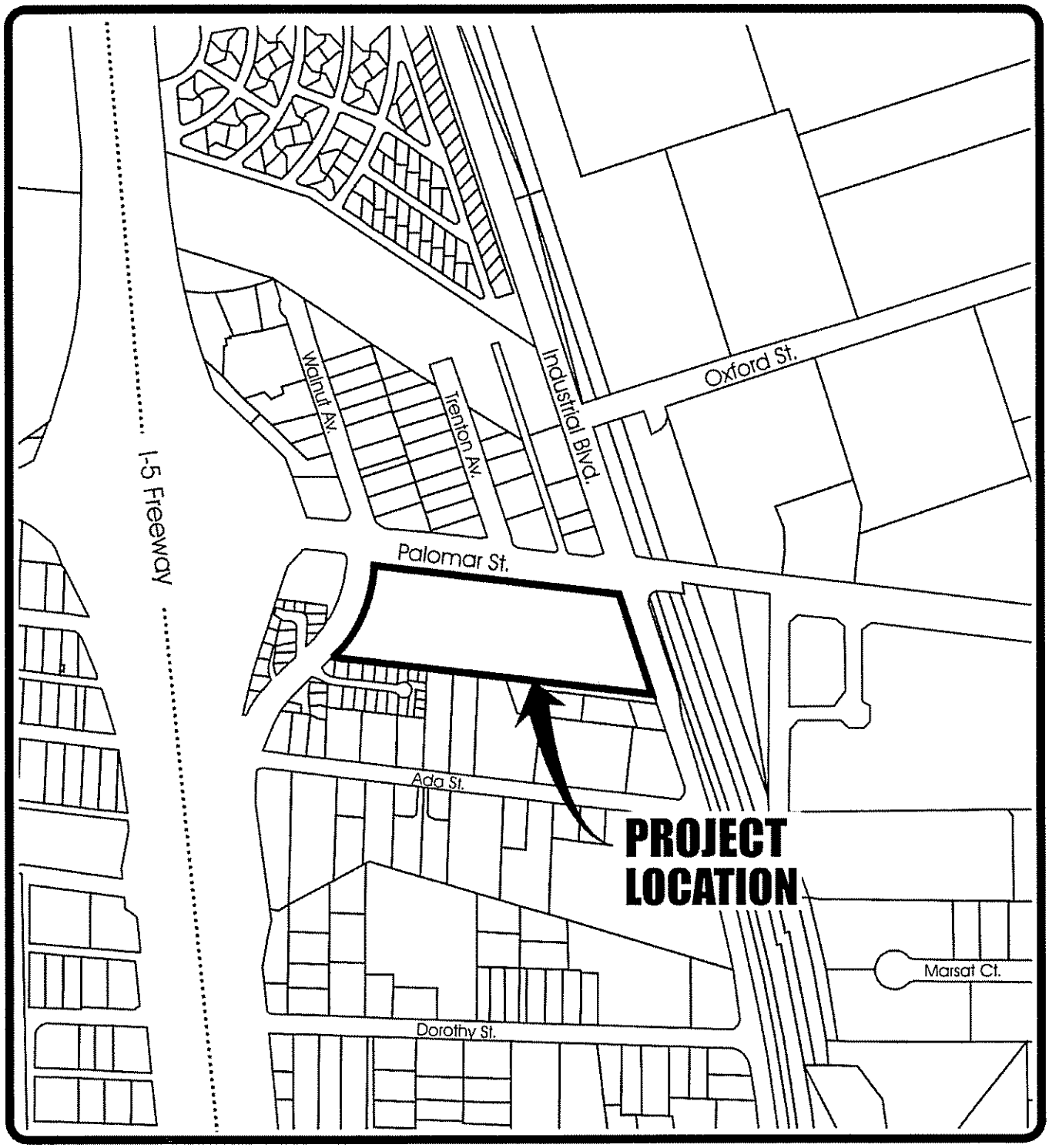
DECISION MAKER CONFLICT

Staff has reviewed the property holdings of the CVRC Board and has found no property holdings within 500-feet of the boundaries of the property which is the subject of this action.

ATTACHMENTS

1. Locator Map
2. Aerial Map
3. Mitigated Negative Declaration (IS-05-012)
4. RAC Staff Report and Draft Summary of 8/2/07 Meeting
5. Concept Plans
6. General Plan Southwest Planning Area – Palomar Gateway District
7. Development Application with the following appendices:
   - Appendix A - Project Description and Justification
   - Appendix B - Disclosure Statement
   - Appendix C - Development Permit Processing Agreement
8. Design and Conditional Use Permit Conditions
9. Tentative Map Conditions

PREPARED BY: *Stacey Kurz, Senior Community Development Specialist*
Miguel Tapia, Senior Community Development Specialist



LOCATOR

NORTH

City of Chula Vista

Bayvista Walk

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Attachment 2

Mitigated Negative Declaration

PROJECT NAME:	Bay Vista Walk
PROJECT LOCATION:	Southwest corner of Palomar Street & Industrial Boulevard
ASSESSOR'S PARCEL NO.:	622-020-05, 51, 65, & 68
PROJECT APPLICANT:	The Olson Company
CASE NO.:	IS-05-012
DATE OF DRAFT DOCUMENT:	July 25, 2007

DATE OF FINAL DOCUMENT:

Prepared by: Benjamin Guerrero, Senior Planner

A. Project Setting

The project site consists of a vacant 4.89 area located east of I-5 and is bounded by Palomar Street to the north, Industrial Boulevard to the east and Frontage Road to the west. The site is in an urbanized area in the southwestern portion of the City of Chula Vista (See Figure 2 – Aerial Map). Topography across the site is relatively flat and the property is devoid of vegetation. The site is surrounded by residential and commercial development as follows:

North: Commercial, Multi-Family residences, Single Family residences
East: Palomar Trolley Station
South: Single-Family residences
West: Palomar Inn, Trailer Park

B. Project Description

The project proposes to develop in two phases a mixed-use multi-family residential development and approximately 5,000 to 10,000 square feet of commercial retail space on a 4.89-acre site (See Figure 3). Lot/Phase 1 would consist of 104 residential townhomes on four acres housed in ten separate structures. The townhomes are proposed as three-story structures with 2-car garages. Lot/Phase 2 would be a mixed-use podium building consisting of 5,000 to 10,000 square feet of commercial retail area on the first floor with the remaining second through fifth floors consisting of 50 residential units. The City required parking for the mixed-use podium would be provided in a subterranean garage. The project will require City approval of the following applications: a zone change from existing CT-P (Thoroughfare Commercial Precise Plan) to CCD-P Zone (Central Commercial District/Precise Plan); a conditional use permit (CUP) approval to allow residential development in the R-3 zone; a Precise Plan approval; and a tentative subdivision map approval.

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C. Compliance with Zoning and Plans

The existing zoning of the project sites is CT-P (Thoroughfare Commercial Precise Plan). The applicant proposes a change of zone from the existing CT-P (Thoroughfare Commercial Precise Plan) to CCD-P Zone (Central Commercial District/Precise Plan). The General Plan designation is Transit Focus Area (TFA). The proposed project will be consistent with the regulations of the CCD Zone and with the goals and policies of the General Plan designation once approval of a conditional use permit and zone change is granted. A Precise Plan will also be processed as part of the rezoning application in order to prepare specific development standards for the proposed project.

Land Use Analysis

The project site is part of the Palomar Gateway District, and is designated by the 2005 General Plan as a Mixed-Use Transit Focus Area. General Plan Objective LUT 43 calls for the establishment of a Mixed Use Area around the Palomar Trolley Station and provides a set of detailed policies in terms of development uses, intensity, design and amenities for the District.

In addition to the General Plan objective and policies, an urban design strategy, entitled "Palomar Gateway TOD District Conceptual Development Strategy" was developed to provide further direction for transit-oriented design. Combined, these two documents seek to ensure goals of the District are met, such as: urban development with low- and high-rise development, higher density, clustering residential and retail (mixed-use), affordable housing opportunities, providing a "Gateway" entrance, and pedestrian connectivity to the trolley station and future neighborhood park on Oxford Street.

Intensity/Height

The proposed project includes two phases of development. The first phase provides 104 residential condominiums proposed on Lot 1 at a density of 26 DU/AC in three-story townhome building structures. The second phase (Lot 2) includes the construction of a mixed-use, podium building with 5,000-10,000 square feet of street level retail uses and 50 residential units on floors two through five for a density of 56.2 DU/AC on the corner of Industrial Boulevard and Palomar, closest to the trolley station.

Between Lots 1 and 2, the project provides a mix of low- (3 stories) and mid-rise (5 stories) buildings per LUT Section 43.8. In addition, the podium building provides street level retail development with residential uses above and behind it for a combined density for Lots 1 and 2 of 31.5 DU/AC. While this is less than the goal of 40 DU/AC for the entire Palomar Gateway District as mentioned in Section 43.6 of the LUT, it is equally important to provide a mix of urban solutions in the District, with higher densities adjacent to the trolley station as proposed on Lot 2. It is anticipated that more dense projects will be developed in the future that will bring the average density up to meet the goal for the overall District.

The General Plan and urban design strategy also identify objectives to provide affordable housing close to the transit center and pedestrian connectivity to both the trolley station and

future neighborhood park. As proposed, Lot 2 will be conveyed to the City for future development of affordable and market rate housing. While the developer's inclusionary requirement is 10% of the total project, or 16 units, this project will leverage additional affordable units since projects with City participation have a higher inclusionary requirement of 15% or 23 units. In addition, BayVista Walk residents will have access to the trolley station to the northeast and future neighborhood park to the south through a system of internal pedestrian walkways, a main pedestrian paseo, enhanced pavement features, and direct access along Palomar Street for 32 units in Lot 1 with front doors adjacent to the sidewalk.

Overall, the combined project provides consistency with goals and objectives of the General Plan Palomar Gateway District

D. Public Comments

On May 6, 2005, a Notice of Initial Study was circulated to property owners within a 500-foot radius of the project site. The public comment period ended on May 16, 2005. No comments were received. The Notice of Availability was posted at the County Clerk's Office and circulated to property owners on July 25, 2007. The public review period of the MND and related documents and maps ended August 24, 2007. The City of Chula Vista received several e-mail correspondence comments from one individual and one e-mail comment in support of the previous individual. City response to these comments are found at the end of the MND document.

E. Identification of Environmental Effects

An Initial Study conducted by the City of Chula Vista (including an attached Environmental Checklist form) determined that the proposed project would not have a significant environmental effect because of mitigation measures incorporated into the project, and the preparation of an Environmental Impact Report will not be required. This Mitigated Negative Declaration has been prepared in accordance with Section 15070 of the State CEQA Guidelines.

Air Quality

An air quality impact analysis was prepared by EDAW, Inc. (August 2006) for the proposed project. Following is a summary of the results and recommendations of this air quality report.

Short-Term Impacts

The proposed project will result in a minor increase in air pollutants during the construction phase of the project. Fugitive dust would be created during grading and construction activities. Air quality impacts resulting from construction-related operations are considered short-term in duration since construction-related activities are temporary. Dust control measures required during construction operations would be implemented in accordance with the rules and regulations of the County of San Diego Air Pollution Control District (APCD) and the California Air Resources Board. Mitigation measures contained in Section F below would mitigate short-term construction-related air quality impacts to below a level of significance.

There is also a potential for exceeding the volatile organic compounds (VOC) thresholds. During the construction phase, architectural coatings are applied that produce these emissions. Further discussion of this is found below under the heading *Construction* in this Air Quality Section.

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Mitigation measures contained in Section F below would mitigate short-term construction-related air quality impacts to below a level of significance.

Long-Term Impacts

The project site is located within the San Diego Air Basin (SDAB). Based on the Traffic Impact Study prepared by Katz, Okitsu & Associates (November 2005), the project would generate approximately 1,750 new daily trips. The morning peak hour traffic resulting from the project would be equivalent to 105 driveway trips and the evening peak hour would result in 166 driveway trips being generated. The gross number of trips was reduced by ten percent because of the proximity and access to the San Diego Trolley. Occupancy of the homes and opening of the businesses would be completed in 2007.

The information provided in Table 1 shows the current South coast Air Quality Management District (SCAQMD) CEQA significance thresholds. The City has traditionally used the significance emissions thresholds of the SCAQMD, which is responsible for air quality in the urbanized areas of Los Angeles, Orange, San Bernardino, and Riverside counties. The air quality in the SCAQMD is much worse than the San Diego Air Basin; therefore, the SCAQMD thresholds are very conservative for the San Diego area.

Table 1
SCAQMD Air Quality Significance Thresholds

Pollutant	**Construction (pounds per day)**	**Operation (pounds per day)**
NOx	100	55
VOC	75	55
PM_{10}	150	150
Sox (oxides of sulfur)	150	150
CO	550	550
Lead (Pb)	3	3

Source: SCAQMD 2005

Construction

Table 2
Construction Emissions – Bayvista Walk Development project

Year and Activity	**Pollutant Emissions** (pounds per day)			
	VOC	**NOx**	**CO**	**PM_{10}**
2006				
Grading Phase	15.7	124.3	114.3	30.8
Building Phase	17.9	134.9	134.1	31.1
Maximum day	17.9	**134.9**	134.1	31.1
2007				
Building Phase	128.2	142.1	152.2	6.2
Maximum day	**128.2**	**142.1**	152.2	6.2
Significance Threshold (from Table 1)	75	100	550	150
Building – with VOC limit of 200 grams per liter coatings, aqueous diesel fuel, and lean-Nox catalysts for diesel engine construction equipment.	73.2	97.1	152.2	2.4

Demolition, grading, and building phases are sequential and do not overlap. Maximum day is the maximum from any phase. Bold value = exceeds threshold

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As shown on Table 2 above, there is a potential for exceeding the volatile organic compounds (VOC) threshold of 75 pounds per day. The principal source of these VOC emissions is derived from the architectural coatings that are applied to the buildings. A reduction of architectural coatings emissions of 50 percent is required to reduce the emissions to below the 75 pounds per day threshold. This can be accomplished by the use of general flat and non-flat coatings that average 125 grams of VOC per liter. If an average VOC content of 125 g/L cannot be achieved, then the time of application should be extended accordingly. With these limitations and changes, the VOC significance threshold would not be exceeded, as shown in Table 2.

Also shown in Table 2 above, during the grading and building phases in 2006 and the building phase of 2007, there is a potential for exceeding the NOx threshold of 100 pounds per day. URBEMIS provides mitigation measures to reduce emissions from heavy construction equipment, including the required use of aqueous diesel fuel, and lean-NOx catalyst. With these requirements, the NOx significance threshold would not be exceeded, as shown in Table 2. Also as shown in Table 2, the use of these measures would reduce PM_{10} emissions as well.

Operations

The estimated operational emissions for this project are shown in Table 3 below. As shown on this table, none of the CEQA significance thresholds would be exceeded during operation of the project. The URBEMIS model was used to calculate the input and output data.

Table 3
Operations Emissions – Bayvista Walk Development Project

YEAR AND ACTIVITY		POLLUTANT	EMISSIONS	(LBS. Per Day)
2007- 148 units occupied & commercial uses in operation	VOC	NO_x	CO	PM_{10}
Area emissions	11.1	1.3	2.0	0
Vehicle emissions	18.7	23.8	233.1	23.2
Total operations emissions	29.8	25.2	235.1	23.2
CEQASignificance Thresholds (Table 1)	55	55	550	150

Values are rounded to the 1/10 pound per day; totals may not add due to rounding.

Paleontological

A paleontological record search and resource assessment was completed for the project site by Brian F. Smith & Associates on May 2, 2005. The compiled data were used to assess paleontological resource sensitivity issues in relation to proposed Project grading, construction, operation and maintenance activities. The assessment was based both on known paleontological site within the Project area, as well as extrapolated biostratigraphic information derived from rock units in adjacent areas or areas of regional context which indicate the potential for a fossil resource to occur in particular geologic unit. Even though there are no known significant fossil resources found at the project site, the report identified the project site as forming part of an area considered by experts in the field of paleontology as having a "high paleontological resource sensitivity". This rating would require a paleontological monitoring and mitigation program. This means that the grading and construction activities related to this project need to be monitored by a professional paleontologist. Subsequently, if unique paleontological resources are discovered, all significant fossil material will need to be collected, prepared, identified, and curated, and then placed into a state-designated

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scientific repository. Compliance with the mitigation measure contained below in Section F would avoid significant impacts to paleontological resources.

Hazards/Hazardous Materials

Soil Contaminants

The County of San Diego, Department of Environmental Health (DEH), is the lead agency for approval of a soil remediation plan to clean up project site soils contaminated with pesticide residuals. Phase I and Phase II Environmental Site Assessment Reports were prepared by SECOR International Inc., on June and December of 2004 for the subject site. Based on the historical research, the Phase I report determined that the project site was used for agricultural purposes in the past. The report cited the potential for soil contamination due to the use of pesticides as part of past agricultural operations.

SECOR subsequently prepared a Phase II subsurface soils investigation of the site on November 10, 2004. SECOR advanced 6 shallow soil borings across the eastern portion of the site. Three soil samples identified quantities of pesticides above EPA Region 9 Preliminary Remediation Goals and California hazardous waste levels for 4,4-DDT, 4,4 DDE (combined as DDM), and Toxaphene at various locations in the eastern portion of the site. The lateral and vertical extent of the detected pesticides was not defined by this assessment. SECOR recommended that additional soil sampling be conducted on-site. SECOR also recommended that a feasibility workplan be prepared in order to determine how to best manage the residual pesticides on-site.

SECOR conducted further soil sampling and prepared a remediation workplan that was subsequently reviewed and approved on August 22, 2006 by the County of San Diego Environmental Health Land and Water Quality Division. The SECOR report identified the organo-chlorine pesticide impact to be found near the surface of the present soils in the eastern portion of the project site. The remediation workplan prepared by SECOR recommends that the soils delineated with pesticides be placed on-site in locations which will be overlain by roads, parking areas, or structural foundations, thereby reducing the risk of contact with future residents or users of the project site. The impacted soils will be covered with at least three feet of soil containing pesticides below any site clean up level. A human health risk assessment will be prepared prior to the issuance of a grading permit and will need to accompany any proposed corrective grading or capping operation.

Once remediation-grading operations are completed, the environmental consultants will prepare a site activities report that will discuss the remediation activities, analytical results and maps delineating final location of impacted soils. The proposed soil remediation mitigation actions will reduce any potential impact from contaminated soils to less than significant.

Hydrology

A Hydrology and Hydraulic Study report was prepared by Lundstrom and Associates on August 23, 2006 and approved by the City's Engineering Department. The study evaluated storm runoff under existing conditions and compared it to the existing conditions plus project conditions (50-yer events). The report assessed any potential drainage impact that could be caused, or aggravated by project development. The project proposes to add 3.9 acres of impervious area in the form of rooftops, and streets.

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The hydrology report indicates that two basins will convey the majority of the stormwater to existing storm drain systems beneath Palomar Street and Industrial Boulevard. A hydraulic analysis done for the 24-inch RCP beneath Palomar Street, demonstrates that the pipe has an existing capacity to convey 22 cfs. The hydrology report indicates that a 50-yer runoff rate is 16.6 cfs, therefore there is no adverse impact on the existing 24-inch RCP. A hydraulic analysis done for the 12-inch PVC located beneath Industrial Boulevard shows that the pipe has an existing capacity to convey 2.5 cfs. The proposed 50-year runoff rate is 2.6 cfs, therefore the existing 12-inch PVC will flow under pressure. However, the hydraulic analysis shows that the condition satisfies the dry-lane requirement since the headwater stays within the gutter and does not flow over the existing curb nor does it sheet flow onto the street pavement. This condition would meet City approved standards according to City Engineering staff and, therefore, would not result in any adverse impacts to public facilities or surrounding properties.

Water Quality

The project site is vacant and has little to no impervious cover under this existing condition. The project will add about 4 acres of impervious area to the project site. However, presently about 2.2 acres of off-site runoff impact the project site on the southerly boundary. Existing suburban residential lots to the south generate this runoff. This runoff flows in a northerly direction through the project site and is intercepted into an existing 24-inch RCP storm drainpipe that exists in Trenton Avenue. The majority of the existing runoff generated from the site drains onto the adjacent Palomar Street inlet. The runoff eventually discharges out into San Diego Bay located about 0.4 miles west of the project site.

In order to properly manage water runoff from the proposed project, the project proposes to incorporate the following management facilities and practices:

- Appropriate grading of pads to direct runoff away from structures on the site.
- Storm drain systems to direct on-site runoff to appropriate outfalls through a VorSentry VS60 storm water treatment facility subject to approval by the City of Chula Vista.
- Directing roof runoff to landscaped areas before discharge to storm drains.
- Propose a vegetated swale with a sand filter in the southwest corner of the project site to treat the runoff that is not directed to the VorSentry Unit, subject to approval by the City of Chula Vista.
- All runoff from the project area shall be directed to, and pre-treated by, a Treatment Control Bmp before discharge to public storm drainage systems.

Compliance with the National Pollutant Discharge Elimination System (NPDES) Municipal Permit, Order No. R9-2007-01 regulations including the preparation of a Water Quality Technical Report (WQTR), a Storm Water Pollution Prevention Plan (SWPPP) and a Monitoring Program Plan will be required. The implementation of water quality Best Management Practices (BMPs) as described above will be required in accordance with the NPDES General Permit and to the satisfaction of the City Engineer. Based upon the implementation of standard engineering requirements and compliance with requirements of the SWPPP and BMPs, water quality impacts would be reduced to a level below significance.

Noise

Noise Consultant Davy & Associates, Inc., prepared an acoustical analysis (October 2005) for the proposed project. The study identified the primary noise source generator as traffic noise from Palomar Street. Additional noise generators are associated with traffic along Interstate 5 and the

trolley transit station and the occasional freight train use of the rail lines located along the east side of Industrial Avenue.

The City of Chula Vista employs the noise guideline levels that set the maximum noise level for outdoor common useable areas found within a residential development as 65 CNEL. The City's exterior noise standard for office buildings and commercial /retail property is 70 CNEL.

Construction Noise

Pursuant to Section 17.24.050(J) of the Chula Vista Municipal Code, noisy construction work (unless associated with emergency repairs or health and safety matters) is not permitted in residential zoning districts between the hours of 10:00 p.m. and 7:00 a.m. during weekdays and between 10:00 a.m. and 8:00 a.m. Saturday and Sunday. Project construction work is anticipated to occur between the hours of 7:00 a.m. and 5:00 p.m. weekdays only. This provision of the Municipal Code would ensure that surrounding residents would not be disturbed by construction related noise during the most sensitive periods of the day.

Traffic Noise

The existing and projected noise impacts are associated with increased traffic volumes along Palomar Street and Industrial Boulevard. Based on actual noise monitoring at the project site, the acoustical report states that the predominant noise generator is traffic on Palomar Street to the north and Industrial Boulevard to the east of the project site. The measured equivalent noise level (LEQ) for the north building line was 67.1 dB and the calculated CNEL was 69.1 dB. The measured equivalent noise level (LEQ) for the east building line was 63.6 dB and the calculated CNEL was 66.6 dB.

The traffic report prepared by Katz, Okitsu & Associates dated November 25, 2005 determined the existing traffic volumes without the project as well as 2010 volumes with the project. These volumes were used to calculate CNEL increases for the year 2010. Based on the projected increase in traffic along Palomar Street the CNEL along the north building line would increase by 0.3 dB to 69.4 dB. The traffic increase along Industrial Boulevard would cause the CNEL to increase by 1.4 dB for a projected CNEL of 68.0 dB along the East building line. Based on the acoustical report, standard construction practice consisting of the use of 2X4 studs with R-11 insulation, exterior stucco, interior drywall, and standard glazing should provide a minimum A-weighted noise reduction of 20 dB. The report concludes that if all north and east facing windows and glass doors in the first row of units closest to Palomar Street and Industrial Boulevard are glazed with STC 29 glazing, the interior of the buildings will be able to achieve a noise reduction of approximately 30 dB. Thus, the interior noise levels will not exceed CNEL 45 dB.

The project proposes an approximate 7,076 square foot recreational open space area about 30 feet south of Palomar Avenue. The area will contain a water feature as well as climbing boulders and BBQ areas. The recreational area will be subject to a measured equivalent noise level (LEQ) of 67.1 and a calculated CNEL of 69.1 dB. Based on acoustical consultant recommendations, potential noise impacts to the recreational area will be reduced to less than 65 dB by the placement of a five-foot high wall adjacent to the northerly line of proposed recreational area. With the placement of this wall, potential noise impacts to the recreational area would be reduced to less than significant.

San Diego Trolley Rail Line

The Acoustical Analysis prepared by Davy & Associates, noise measurements were taken at the east building line during San Diego Trolley pass-bys. The results of these calculations are summarized in Table 1 below:

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Table 1

Calculated CNEL Noise Levels in dB For Train Pass-bys at the East Building Line	
Source	**CNEL**
Grade Crossing Bells	61.4 dB
Air-horn	60.7

In addition to the Trolley operations, the rail lines are used by one nightly freight train. The noise sources emanating from the San Diego Trolley lines were summed up in order to calculate the CNEL. The results of this analysis are summarized in Table 2 below:

Table 2

Calculated Total CNEL Noise Levels in dB from the San Diego Trolley and Freight Train and Industrial Boulevard Traffic at the East Building Line				
Freight CNEL	**Grade Crossing Bell CNEL**	**Air-Horn CNEL**	**Industrial CNEL**	**Total CNEL**
63.3 dB	61.4 dB	60.7 dB	68.0 dB	70.4 dB

With the exterior CNEL value of 70.4 dB, the buildings must provide an A-Weighted noise reduction of 25.4 dB to achieve an interior CNEL 45 value. Standard construction consisting of 2X4 studs with R-11 insulation, exterior stucco, interior gypsum board and standard glazing provides a minimum A-Weighted noise reduction of 20 dB. Glazing all east, north and south facing perimeter windows and glass doors with a standard STC 29 glazing will result in a minimum noise reduction in the interior of the units of 29 dB. The noise impacts from all sources will therefore be reduced to 45 CNEL within the interiors of the proposed units. Central air conditioning systems will need to be provided so that windows do not have to be opened during warm days. With the implementation of the construction materials and central air conditioning units, noise reduction measures impacts from noise sources will be reduced to a level of insignificance.

Exterior Useable Open Space

The Noise report also analyzed the potential noise levels for the proposed exterior living areas including first floor patios and balconies (if these were to be counted as useable open space). The analysis assumed the use of 60-inch high solid walls at the front of the patios and balconies. A solid wall of this height will break the line-of-sight between the roadway and the ear height of a standing person. The solid wall can be glass, plexiglass, wood or stucco. Following are tables that calculate the CNEL values in dB for the north and east facing patios/balconies.

Table 3

Calculated CNEL Values in dB for the North Facing Patios and Balconies	
Floor	**CNEL**
1st	64.1
2nd	64.2
3rd	63.0

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Table 4

Calculated CNEL Values in dB for the East Facing Patios and Balconies	
Floor	**CNEL**
1st	64.0
2nd	64.3
3rd	64.2
4th	63.3
5th	63.0

Based on this analysis, all exterior patio open spaces will comply with the requirements of the City of Chula Vista subject to compliance with the use of 60-inch high solid walls for the patios and balconies if these are included in the open space requirements.

Noise Impact from the I-5 Freeway

Noise monitoring results indicate that the noise from the I-5 freeway was estimated to be in the low 50 dBA range. A scaled section from the I-5 Freeway to the site was prepared by Lundstrom & Associates Engineering (See Noise Report, Davy & Associates). The diagram shows that the line of sight (LOS) from the I-5 Freeway to the top floor of the proposed building is broken by intervening topography and existing buildings. No adverse impacts from Freeway noise are noted.

Traffic

To identify potential traffic impacts associated with the development of the project, a traffic impact study was prepared by Katz, Okitsu & Associates on September 2005. The traffic study projected that the project will generate 1,944 daily driveway trips, with 117 trips occurring in the AM peak hour and 185 trips occurring in the PM Peak hour, prior to applying trip rate reductions. Because the project is a mixed-use development and is located nearby a transit station, a 10% daily and peak hour transit/mixed-use reduction was applied to both the residential and commercial components. Additionally, a 40% reduction was applied to the PM peak hour of the commercial component as pass-by traffic (trips diverted from their primary route by less than one mile). With the reductions applied, the final project driveway trips totaled 1,750, with 105 trips occurring in the AM peak hour and 166 trips occurring in the PM peak hours.

The proposed project will take access from two driveways. The easterly project driveway, located on Industrial Boulevard, will service both commercial and residential project traffic. The westerly-located driveway, located on Frontage Road, will service residential traffic. An internal gate nearest the Industrial Boulevard (see project site plan) is intended to separate commercial traffic from residential traffic. The proposed project will provide the required number of parking spaces in compliance with the City's zoning ordinance.

Short-Term Impacts (Year 0 to 4)

Based on the traffic impact study results, the intersections of Frontage Road & Palomar Street and Walnut Avenue & Palomar Street presently operate at a deficient level of service "F". Since the project trips comprise less than 5% of the total intersection entering volume, the intersection impacts would be deemed as cumulative impacts. Therefore, the project shall contribute a fair share amount towards improvements, to the satisfaction of the City Engineer.

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Long-Term Impacts (Horizon Year 2010)

Based on the traffic impact results, the intersections of Frontage Road and Walnut Avenue with Palomar Street would operate a deficient level "F" under all conditions and for the Horizon Year (2010). Since the project trips comprise less than 5% of the total intersection entering volume for each of the intersections listed above, the intersection impacts would be deemed as cumulative impacts. Therefore, the project shall contribute a fair share amount towards improvements, to the satisfaction of the City Engineer.

Segment Impacts

A GMOC analysis conducted by the City of Chula Vista Engineering Department determined that the Palomar segment corresponding to the project area forms part of an interchange arterial segment criteria for evaluating segment impacts does not apply here. What does apply is the use of long-term criteria, which permits an LOS D as long as the intersections operate at acceptable levels. After mitigation is implemented along the Frontage and Palomar Street intersection, all segments will operate at acceptable levels.

I-5 South Corridor Study

The Interstate 5 Freeway along with the I-805 freeway is a principal north-south interregional freeway for movement of people and goods. The I-5 provides access to major employment centers as well as to residential areas including the City of Chula Vista. The segment between I-5 and Frontage Road/Walnut Avenue forms part of the I-5 south corridor and falls under the jurisdiction of the California Department of Transportation (CALTRANS). A major study known as the "Interstates 805/I-5 South Corridor Study" was prepared by SANDAG on June 2005 in association with Caltrans and other regional agencies and cities, including the City of Chula Vista. The corridor study sought to identify and assess transportation improvement options to enhance the mobility of inter-regional and regional trips. Subsequent subregional studies are being undertaken by SANDAG in conjunction with CALTRANS that will focus on refining the systems-level infrastructure improvements for highways, arterials, and transit in coordination with local land use and development plans.

With the implementation of freeway transportation improvements and services more travel choices will be available. An alternative proposed by the study would reduce overall freeway congestion and consequently congestion along the on and off ramps by significant amounts. This alternative would provide for a mix of transit, high occupancy vehicle (HOV) lanes and mixed-flow lanes in order to achieve congestion relief and a shift in travel mode from drive alone to both carpool and, in particular, transit.

E. Mitigation Necessary to Avoid Significant Impacts

Air Quality

1. The following air quality mitigation measures shall be implemented during grading and construction:
    a) Minimize simultaneous operation of multiple construction equipment units

b) Use aqueous diesel fuel and lean NOx catalysts for all heavy diesel engine construction equipment
c) Use electrical construction equipment as practical
d) Use catalytic reduction for gasoline-powered equipment
e) Water the construction area twice daily to minimize fugitive dust
f) Pave permanent roads as quickly as possible to minimize dust
g) Use electricity from power poles as opposed to mobile power generators
h) Pave last 100 feet of internal travel path prior to exiting onto a public street
i) Install wheel washers by a paved apron prior to vehicle entry on public roads
j) Remove any soil/dirt from public streets within 30 minutes of occurrence
k) Suspend all soil disturbance and travel on unpaved surfaces if winds exceed 25 mph.

2. Prior to issuing a building permit, the Applicant/Developer shall provide a list of the architectural coatings that will be used on the project demonstrating that the average VOC content would not exceed 125 g/L, extend the time of application, or provide a plan that will show that the combination or reduced VOC and extended time of application will result in emissions less than 55 pounds per day.

The air quality mitigation measures shall be shown on all applicable grading, and building plans and details, notes, or as otherwise appropriate, and shall not be deviated from unless approved in advance in writing by the City's Environmental Review Coordinator.

Paleontological

3. The developer shall have a qualified paleontological monitor on the project site at all times during mass grading, excavation, and utility trenching activities in order to mitigate potential impacts to any undiscovered nonrenewable paleontological resources (i.e. fossils).

Hazards/Hazardous Materials

4. The applicant/developer shall comply with all the procedures and methodologies delineated in the Revised Work Plan for Pesticide Assessment and Remediation prepared by SECOR International Incorporated, dated August 4, 2006 and as approved on August 22, 2006 (and subsequently on August 15, 2007), by the County of San Diego Department of Environmental Health Land and Water Quality Division for the project site. The remediation measures shall be implemented during the grading and construction phase of development to the satisfaction of the City's Environmental Review Coordinator.

Hydrology and Water Quality

5. In order to reduce potential water quality impacts, the applicant/developer shall be required to comply with the National Pollutant Discharge Elimination System (NPDES) regulations including the preparation and implementation of a Water Quality Technical Report (WQTR) and a Storm Water Pollution Prevention Plan (SWPPP). The WQTR shall be prepared pursuant to the provisions of the City of Chula Vista Development and Redevelopment Projects Storm Water Management Standards Manual. The SWPPP shall be prepared pursuant to the provisions of the NPDES General Construction Permit. The applicant/developer shall also implement water quality Best Management Practices (BMPs) as approved by the City Engineer.

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6. All runoff from the project area shall be directed to, and pre-treated by, a Treatment Control BMP before discharge to public storm drainage systems. The design of high efficiency BMP's such as vegetated swales shall be in accordance with criteria established by the California Stormwater Quality Association in the California Stormwater BMP Handbook (BMP#TC-30).

7. Prior to commencement of grading, temporary desilting and erosion control devices shall be installed. Protective devices shall be provided at every storm drain inlet to prevent sediment from entering the storm drain system. These measures shall be reflected in the grading and improvement plans to the satisfaction of the City Engineer and Environmental Review Coordinator.

Noise

8. Pursuant to Section 17.24.050(J) of the Chula Vista Municipal Code, project-related construction activities shall be prohibited between the hours of 10:00 p.m. and 7:00 a.m. Monday through Friday and between 10:00 p.m. and 8:00 a.m. Saturdays and Sundays.

9. Prior to the issuance of building permits, the Applicant/Developer shall submit plans to the City Building Official and Environmental Review Coordinator that include noise abatement for the patio areas on the north and east faces of each of the proposed buildings. Noise abatement shall consist of a solid barrier on the face of the patio from the base to a height of five feet. The barrier may be made of masonry, wood, glass plexiglass, or similar material.

10. Prior to the issuance of building permits, the Applicant/Developer shall submit plans to the City Building Official and Environmental Review Coordinator that include noise abatement for the proposed recreational area south of the Palomar Street right-of-way. Noise abatement shall consist of a solid barrier along the northerly boundary line of the recreational area from grade to a height of five feet. If a gate is proposed, then it shall be installed in a manner that does not render ineffective the proposed acoustical attenuation qualities of the barrier. The barrier may be made of masonry, wood, glass plexiglass, or similar material.

11. Prior to the issuance of building permits, the Applicant/Developer shall submit data to the City of Chula Vista Environmental Review Coordinator and the City Building Official demonstrating that noise levels would be less than 45 dBA in habitable rooms of residence units facing north and east of each of the proposed buildings.

12. The Applicant/Developer shall be required to install central air conditioning units for each northerly and easterly facing dwelling unit impacted by noise from any identified source.

Traffic

13. In order to reduce cumulative significant impacts at the intersections of Frontage Road & Palomar Street and Walnut Avenue & Palomar Street, the applicant shall construct a partial median closure along the centerline of Palomar Street that would prohibit left turns and through movements from Frontage Road/Walnut Avenue onto Palomar Street to the satisfaction of the City's Engineer.

E. Consultation

1. Individuals and Organizations

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City of Chula Vista:
Stacey Kurz, Community Development
Mary Ladiana, Community Development
Miguel Tapia, Community Development
Brian Catacutan, Planning and Building
Josie Gabriel, Planning and Building
Steve Power, Planning and Building
Luis Hernandez, Planning and Building
Jim Newton, Engineering
Anthony Chukwudolue, Engineering
Luis Pelayo, Engineering
Sandra Hernandez, Engineering
Ben Herrera, Engineering
Tom Adler, Engineering
Khosro Aminpour, Engineering
David Kaplan, Engineering
Silvester Evetovich, Engineering
Richard Preuss, Police Department
Richard Gari, Fire Department

Applicant/Property Owner: The Olson Company
Agent: Tony Pauker, Regional President, the Olson Company

2. Documents

City of Chula Vista General Plan, (December 2005)

Title 19, Chula Vista Municipal Code

Air Quality Impact Analysis, EDAW, Inc., August 2006

Phase I Environmental Site Assessment, SECOR, June 30, 2004

Phase II Environmental Site Assessment SECOR, December 6, 2004

Revised Work Plan for Pesticide Assessment and Remediation, August 4, 2006

Community Health and Safety Plan, August 7, 2006, SECOR

Bay Vista Walk Biological Survey, July 7, 2005; Site revisit: 10/18/06

Water Quality Management Plan, Lundstrom & Associates, July 23, 2007

Preliminary Drainage Study, Lundstrom & Associates, July 23, 2007

Preliminary Geotechnical Findings, GEOCON, July 13, 2004

Cultural Resources Survey Report, Brian F. Smith and Associates, May 9, 2005

Paleontological Record Search & Resource Assessment, Brian F. Smith and Assoc., May 2, 2005

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Acoustical Analysis, Davy & Associates, Inc., August 25, 2006; Update 7/24/07

Traffic Impact Study, Katz-Okitsu and Associates, November 2005

Initial Study

This environmental determination is based on the attached Initial Study, and any comments received in response to the Notice of Initial Study. The report reflects the independent judgment of the City of Chula Vista. Further information regarding the environmental review of this project is available from the Chula Vista Planning and Building Department, 276 Fourth Avenue, Chula Vista, CA 91910.

_____ Date: _____

Benjamin Guerrero, Senior Planner

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1. **Name of Proponent:** The Olson Company

2. **Lead Agency Name and Address:** City of Chula Vista
276 Fourth Avenue
Chula Vista, CA 91911

3. **Addresses and Phone Number of Proponent:** Tony Pauker, Regional President
9171 Towncenter Dr., Suite 450
San Diego, CA 92122
(858) 784-6538

4. **Name of Proposal:** Bayvista Walk

5. **Date of Checklist:** July 24, 2007

6. **Case No.** IS-05-012

ENVIRONMENTAL ANALYSIS QUESTIONS:

Issues:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
I. AESTHETICS. Would the project:				
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	■
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	■
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	■	☐
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?	☐	☐	■	☐

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Issues:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact

Comments:

a) No significant scenic vistas or views open to the public exist through the site.

b) In accordance with the City's General Plan, Palomar Street is not designated a scenic roadway. However, the General Plan lists Palomar Street between I-5 and the trolley station as a Gateway. The General Plan calls for appropriate special treatment including signage, streetscape improvements, pedestrian path improvements, underground parking and landscape material improvement at these segments to signify arrival and progression at an important City entry point. All of these treatments consistent with the adopted City General Plan and ordinances are proposed along Palomar Street. These project improvements would ensure that aesthetic impacts to the Palomar Street Gateway are deemed less than significant.

c) The vacant project site is within an urbanized area and contains overgrown non-native vegetation and exposed soils. The development of a planned mixed residential/commercial development would not substantially degrade the existing visual character or quality of the site or surrounding area.

d.) Proper architectural design would ensure compliance with Section 19.66.100 of the Chula Vista Municipal Code. Exterior lighting would not be directed upward and would be designed and installed with appropriate shielding if necessary, to ensure that light does not spill horizontally beyond the limits of the development area onto adjacent roadways, and surrounding commercial or residential uses.

Mitigation: No mitigation measures are required (See land use discussion under Section C of MND).

II. AGRICULTURAL RESOURCES. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	■
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	■
c) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	☐	☐	☐	■

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Issues:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact

Comments:

a-c) The project site is presently located in a fully urban setting. The project site is neither in current agricultural production nor adjacent to property in agricultural production and contains no agricultural resources or designated farmland areas.

Mitigation: No mitigation measures are required.

III. AIR QUALITY. Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	■	☐
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	■	☐	☐
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?	☐	■	☐	☐
d) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	■	☐

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Issues:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Create objectionable odors affecting a substantial number of people?	☐	☐	☐	■

Comments:

a-e) The project site is located within the San Diego Air Basin (SDAB). The proposed project would result in a minor increase in air pollutants during the construction phase. Mitigation measures found in Section F of the Mitigated Negative Declaration would result in construction related air impacts being less than significant.

Mitigation: No mitigation measures are required.

IV. BIOLOGICAL RESOURCES. Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	■
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	■
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	■

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Issues:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☐	■
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	■
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	■

Comments:

a) The project site is located in a fully urbanized developed area. Based upon a Biological Survey conducted on June 29, 2005 by EDAW, Inc., a Biological Consulting Firm, no candidate, sensitive, or special status species are present within or immediately adjacent to the proposed development area.

b) Based upon the Chula Vista MSCP Subarea Plan and field inspection by an EDAW staff biologist on June 29, 2006, no riparian habitat or other sensitive natural community are present within or immediately adjacent to the proposed project site.

c) Based upon field inspection by an EDAW staff biologist on June 29, 2005, no wetlands are present within or immediately adjacent to the proposed development area.

d) Based upon the Chula Vista MSCP Subarea Plan and field inspection by an EDAW staff biologist on June 29, 2005, no native resident or migratory wildlife corridors or native wildlife nursery sites exist within or immediately adjacent to the proposed development area.

e) No impacts to any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance would result from the proposed project development.

f) No impacts to local, regional or state habitat conservation plans would result since the project site is a designated development area pursuant to the adopted Chula Vista MSCP Subarea Plan.

Mitigation: No mitigation measures are required.

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Issues:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
V. CULTURAL RESOURCES. Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in State CEQA Guidelines § 15064.5?	☐	☐	☐	■
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to State CEQA Guidelines § 15064.5?	☐	☐	☐	■
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	■	☐	☐
d) Disturb any human remains, including those interred outside of formal cemeteries.	☐	☐	☐	■

Comments:

a,b,d) A cultural survey was conducted by Brian F. Smith and Associates (BFSA) on April 25, 2005. Based on this survey no cultural resources were identified within the project area, and no previously recorded sites are located within the project boundaries. Therefore, no cultural resources will be impacted by the proposed construction, and no further archaeological investigations are recommended for this project.

c) A paleontological record search and resource assessment has been completed by Brian F. Smith & Associates on May 2, 2005. The report states that because of the high paleontolgical resource potential of the Bay Point Formation and the "nearshore marine sandstone," paleontological monitoring of mass grading, excavation, and utility trenching activities in areas so mapped should be required to mitigate impacts to any undiscovered nonrenewable paleontological resources (i.e. fossils).

Mitigation: Paleontological monitoring of mass grading, excavation, and utility trenching activities in areas so mapped shall be required to mitigate impacts to any undiscovered nonrenewable paleontological resource.

VI. GEOLOGY AND SOILS -- Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving:

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Issues:		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
i.	Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?	☐	☐	☐	■
ii.	Strong seismic ground shaking?	☐	☐	☐	■
iii.	Seismic-related ground failure, including liquefaction?	☐	☐	☐	■
iv.	Landslides?	☐	☐	☐	■
b)	Result in substantial soil erosion or the loss of topsoil?	☐	☐	■	☐
c)	Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☐	■
d)	Be located on expansive soil, creating substantial risks to life or property?	☐	☐	■	☐
e)	Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	■

A-45

Issues:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact

Comments:

a-e) The site has been previously graded and developed with single family residential units. There are no known or suspected seismic hazards associated with the project site. The project site lies over one mile west of the La Nacion Fault Zone (an inactive fault zone). The closest recently active fault is the Rose Canyon Fault, located about 8 miles northwest of the site. The site is not located within an Alquist-Priolo Special Studies Zone. Therefore, project compliance with applicable Uniform Building Code standards would adequately address any building safety/seismic concerns. According to the City's Engineering Division, the project will require a grading permit. A preliminary Geotechnical/Soils was prepared by GEOCON on July 13, 2004. The report states that the development of the site will include remedial grading to address any presence of expansive soils. The preparation and submittal of a final soils report will be required prior to the issuance of a grading permit as a standard engineering requirement.

In order to prevent silt discharge during construction, the developer will required to comply with best management practices in accordance with NPDES Order No. 2001-01. The appropriate erosion control measures would be identified in conjunction with preparation of final grading plans and would be monitored and implemented during construction by the Engineering Division. Therefore, the potential for the discharge of silt into city drainage systems would be less than significant.

Mitigation: No mitigation measures are required.

VII. HAZARDS AND HAZARDOUS MATERIALS. Would the project:

a)	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	■	☐	☐
b)	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	■	☐	☐
c)	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	■

4-44

Issues:		Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
d)	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	■
e)	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	■
f)	For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	■
g)	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	■
h)	Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	■

4-47

Issues:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact

Comments:

a-d)A Phase I and Phase II Environmental Site Assessment reports were prepared by SECOR on December 6, 2004 for the project site. Historical research as part of the Phase I report identified the eastern half of the project site as an area formerly dedicated to agricultural uses. The Phase I recommended a shallow subsurface investigation to evaluate the presence of residual pesticides. The Phase II carried out soil sampling activities that detected four samples with pesticides above the State of California hazardous waste level of 1.0 mg/kg. Three of these samples were above the U.S. EPA Region 9 preliminary remediation goals (PRGs) of 1.7 mg/kg. A remediation workplan was subsequently prepared and submitted for review and approval by the City and County Department of Environmental Health.

e-f)The project is not located within an airport land use plan or within two miles of an airport.

g) The project as proposed and based on its location would not interfere with an adopted emergency response plan. No impacts are noted.

h) The project site is not adjacent to a wildlands area. No impacts related to significant risk of loss, injury or death involving wildland fires are noted.

Mitigation: The applicant/developer shall comply with the procedures and methodologies delineated in the Revised Work Plan for Pesticide Assessment and Remediation prepared by SECOR International Incorporated, dated August 4, 2006 and as approved on August 22, 2006, by the County of San Diego Department of Environmental Health Land and Water Quality Division for the project site. The remediation measures shall be implemented during the grading and construction phase of development to the satisfaction of the City's Environmental Review Coordinator.

VIII. HYDROLOGY AND WATER QUALITY.
Would the project:

a) Result in an increase in pollutant discharges to receiving waters (including impaired water bodies pursuant to the Clean Water Act Section 303(d) list), result in significant alteration of receiving water quality during or following construction, or violate any water quality standards or waste discharge requirements?	☐	■	☐	☐
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a	☐	☐	☐	■

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Issues:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? Result in a potentially significant adverse impact on groundwater quality?				
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner, which would result in substantial erosion or siltation on- or off-site?	☐	☐	☐	■
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site, or place structures within a 100-year flood hazard area which would impede or redirect flood flows?	☐	☐	☐	■
e) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☐	■
f) Create or contribute runoff water, which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	■	☐

Issues:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact

Comments:

a) The proposed grading and development of the vacant site has the potential to increase pollutant discharges, however standard BMP requirements will reduce any potential impacts to water bodies to less than significant.

b) The project would not result in a substantial depletion of groundwater supplies or interfere substantially with groundwater recharge.

c) The proposed grading and development of the vacant site would result in changes in absorption rates, drainage patterns, and the rate and amount of surface runoff but would not result in adverse impacts to streams or rivers that would result in substantial erosion or siltation.

d) The proposed grading and development of the vacant site would result in changes in absorption rates, drainage patterns, and the rate and amount of surface runoff but would not result in adverse impacts to streams or rivers that would result in substantial flooding or place structures in a flood zone.

e) The proposal would not expose people or structures to significant risk of loss or injury or death involving flooding.

f) The proposed grading and development of the vacant site would result in changes in absorption rates, drainage patterns, and the rate and amount of surface runoff but would not exceed the capacity of existing stormwater drainage facilities.

Mitigation: Mitigation Measures are required. See Section F of the Mitigated Negative Declaration.

IX. LAND USE AND PLANNING. Would the project:				
a) Physically divide an established community?	☐	☐	☐	■
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	■	☐
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	■

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